

Problems of legal translation from the point of view of a comparative lawyer

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TRANSLATIONS AND JOURNALISM

How to combine them? How to translate for immigrants in an immigrant newspaper?

L. OHLSSON, Sweden

A translator who works for a newspaper or a magazine often has to combine at least two professions. To translate a headline is not so easy if you do not know how the editors work. It must be of the right length, striking, and interesting. The readers do not want to read 'translations', so one has to write fluently, at least as well as the journalist behind the text does. It is not so easy, especially if one works abroad, translating for immigrants in an immigrant newspaper, with no colleague to ask.

PROBLEMS OF LEGAL TRANSLATION FROM THE POINT OF VIEW OF A COMPARATIVE LAWYER

PROF. G.R. DE GROOT, Maastricht

1. Legal translation is more difficult than any other kind of translation. It not only requires linguistic skills but, even more importantly, knowledge of both legal systems involved: the legal system related to the original language as well as the legal system related to the target language. Put differently, comparative law is the basis for translation of legal texts.
2. Since comparative law provides the basis for translating legal texts, the conclusion is justified that there are degrees of difficulty in legal translation not determined primarily by linguistic differences but by differences between the two legal systems. The similarities in the languages involved are a secondary factor influencing the degree of difficulty of the translation.
3. The thesis that there are degrees of difficulty in legal translation is not only of theoretical importance, but ought to have consequences for the fee that can be asked for a legal translation. It must be possible to relate the fee to the degree of dissimilarity between the legal systems involved.
4. It must be realized that the problems in legal translation are not unique. They are caused by dissimilarities between the legal systems. Therefore, the difficulties legal translators face are comparable to the problems of classification in private international law or the problems of classification of legal libraries and computerized legal databases.
5. An important consequence of the fact that comparative law forms the basis of legal translation is that 'legal dictionaries' ought to be restricted to giving translation suggestions from one legal system only into one other legal system. Where this is not done, the structure of the dictionary becomes unclear and precludes easy and reliable consultation.
6. In the education of legal students, it should be pointed out that the belief that a lawyer, fluent in a foreign language, is *ipso facto* also able to translate legal documents, is a common misunderstanding. Many lawyers do not realize that translating legal texts is comparative law in practice. Owing to this, translation errors in legal texts are regrettably common.
7. Translators who do not have a legal education might be able to make an acceptable translation of a legal text, at least in some instances. However, if they are to render an acceptable legal translation in all cases, such translators need to have knowledge of both legal systems involved. It is astonishing that during the training of legal translators, the study of comparative law is often neglected. The speaker strongly urged that comparative law be introduced as a compulsory subject in the curriculum for training legal translators.